

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 04-12-07**

Date Published: December 2, 2004
For Work Week Commencing: December 6, 2004
Commission Meeting: December 7, 2004, 9:00 a.m.

General Introduction This agenda is the Commission's Utility Division agenda for the work week designated. In the later part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://www.psc.state.mt.us>.

Place of Meetings All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.

Inquiries General inquiries concerning this Utility Division agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.

Accommodation for Persons with Disabilities Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.

9:00 a.m. Weekly Scheduling (Commission Conference Room)

9:30 a.m. Business (Bollinger Room)

Public Comments

Action Items All items identified below are for action at the Commission business meeting.

1. MDU Resources Group, Inc. D2004.11.190 (Eric)

On November 19, 2004, MDU applied for authority to issue over a two-year period \$125,000,000 of short-term indebtedness in the form of unsecured promissory notes representing bank borrowings ("Notes") and/or in the form of commercial paper ("Commercial Paper"). The authority is requested to be effective from January 1, 2005 through December 31, 2006.

The proceeds of these issuances will be used for funding the Company's capital requirements, for the refunding of its outstanding obligations, for corporate development including the acquisition of businesses or business

assets and for other general corporate purposes. A default order has been drafted.

2. Qwest Communications N2004.11.189 (Scott)

On November 18, 2004 Qwest filed Tariff Transmittal 04-18 SwitchNet 56® (SN56). This filing revise the existing December 31, 2004 sunset date for Qwest SN56 product so a customer's final service date is directly associated with the availability of comparable replacement. This filing has no rate or revenue impacts for customers or Qwest. Qwest is requesting a December 20, 2004 effective date.

3. Central Montana Communications, Inc. N2004.11.191 (Scott)

On November 22, 2004, Central Montana Communications (CMC) filed modification to its tariffs. In this filing CMC is requesting changes to 1) Local Network Access Line Service, 2) Construction-Placement of Buried Facilities where a joint trench is available, and 3) Community Emergency Services.

Work Sessions All items identified below are for Commission discussion or action on the day designated.

1. D2003.6.84 – Lincoln Telephone Company – Application for EAS – Discuss and get direction on proposed final order. (12/7/04)
2. Yellow-Page.Net – Discuss and seek Commission direction on how to proceed in bringing Yellow-Page.Net into compliance with 38.5.3904, ARM, Letter of Agency Form and Content. (12/7/04)
3. NorthWestern Energy Bankruptcy – Placeholder to report on and get direction on any matter related to the bankruptcy. (12/7/04)
4. D2004.8.128 – Havre Pipeline Co. – Application to Increase Rates and Charges to Direct Rural Farmstead Customers – Placeholder for possible discussion of the future procedure in the docket. (12/7/04)
5. District Court Cause No. CDV 2003-464 – Discuss and get direction in District Court litigation CDV 2003-464. (12/7/04)

6. **12/10/04 9:30 a.m.** – FCC Docket No. 96-45 – Staff was asked to draft reply comments in response to the Federal-State Joint Board's inquiry relating to high-cost Universal Service Support. (12/10/04)
7. **12/10/04 9:30 a.m.** – D2003.2.23 – 3 Rivers Telephone Co-op, Inc. – Petition for Designation as an Eligible Telecommunications Carrier in Shelby, Montana – Discuss content for a draft final order and obtain any necessary direction to draft such an order. (12/10/04)
8. **12/10/04 9:30 a.m.** – D2003.1.14 – Western Wireless – ETC designation petition for Qwest's exchanges – Discuss content for a draft order on motions for reconsideration and obtain any necessary direction to draft such an order. (12/10/04)

Other Meetings

12/6/04 1:00 p.m. - 5:00p.m. – New Commissioner Orientation – Provide new Commissioners with overview of current issues/dockets (Commission Conference Room)

Weekly Scheduling – Will be held at 9:00 a.m. on the day of the Commission Meeting

Notice Items All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.state.mt.us/PublicComment/PublicComment.htm>. Comments should reference the docket number of the matter.

Protective Orders – Notice Items The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda.

Comments on the requests may be submitted at any time prior to ruling. Any person interested in seeking a copy of a protective order request should contact the Commission at 406-444-6199.

1. Ronan Telephone Company D2004.11.187 (Monica)

On November 19, 2004 Ronan Telephone Company filed a request for a protective order that would, if issued, be effective for four years and would protect information in Schedule 27 of its 2003 Annual Reports and subsequent annual reports, which information pertains to the compensation of Ronan's top 10 Montana based employees.

2. Hot Springs Telephone Company D2004.11.188 (Monica)

On November 19, 2004 Hot Springs Telephone Company filed a request for a protective order that would, if issued, be effective for four years and would protect information in Schedule 27 of its 2003 Annual Reports and subsequent annual reports, which information pertains to the compensation of Hot Springs' top 10 Montana based employees.

Protective Orders – Information Items The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008.

Information Items All items identified below are for information only.

New Filings Received in Past Week

D2004.12.192 – NorthWestern Energy – Natural Gas Universal System Benefits Charge Rate Adjustment

Correction: D2004.11.182 - Energy West – Montana Monthly Gas Cost Tracking Application for December 2004 should have been listed under D2004.8.131.

D2004.11.182 has been deleted. (Agenda #04-11-23)